

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

CHAMBERS OF
STEPHANIE A. GALLAGHER
UNITED STATES MAGISTRATE JUDGE

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August 22, 2018

LETTER TO COUNSEL

RE: *David Gichner, et al. v. Arvinmeritor, Inc. et al.*,
Civil No. RDB-18-1071

Dear Counsel:

This matter has been referred to me for discovery disputes and related scheduling matters. [ECF No.143]. Plaintiffs have filed a Motion for an Expedited Deposition of Plaintiff David Gichner. [ECF No.140]. Two of the Defendants, Genuine Parts Company and Mercedes-Benz USA, LLC, have opposed the motion. [ECF No. 141, 142]. I find that no hearing is necessary. *See* Loc. R. 105.6 (D. Md. 2016). For the following reasons, Plaintiffs' Motion for an Expedited Deposition is GRANTED, pursuant to the terms described below.

Plaintiffs are authorized to proceed with the expedited deposition as proposed on September 4, 2018, with the following caveats: 1) the expedited deposition will be conducted at Plaintiffs' expense, excepting Defendants' attorneys' fees but including Defendants' travel costs; 2) Defendants will have the right to conduct a subsequent deposition of Mr. Gichner during the discovery period; and 3) Defendants will be able to challenge the admissibility of the expedited deposition, or any portion thereof, if subsequent discovery not available at the time of the expedited deposition undermines Defendants' ability to cross-examine Mr. Gichner.

Alternatively, Plaintiffs can choose to comply with the document requests and proposed scheduling set forth in Mercedes-Benz USA, LLC's letter of August 9, 2018. This option would better ensure the later admissibility of the video deposition, and would prevent Mr. Gichner from having to undergo more than one deposition.

Whichever option is selected, Defendants' participation in this court-ordered discovery deposition will not constitute waiver of their affirmative defense that the Complaint is legally insufficient to establish personal jurisdiction.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Sincerely yours,

/s/

Stephanie A. Gallagher
United States Magistrate Judge